THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 17776 of 2005

Dt:31.01.2006

Between:

Mantha Ravi

.. Petitioner

and

Circle Inspector and others

.. Respondents

ORDER:

Heard both sides and perused the material on record.

This writ petition is filed seeking a writ of Mandamus declaring the alleged action of respondents 1 and 2 in coercing the petitioners to settle the disputed money claim of the fifth respondent and allegedly setting the petitioners to third-degree methods, as arbitrary and illegal.

On behalf of respondents 1 to 3, Sub-Inspector of Police, Matwada Police Station, Warangal, filed a counter-affidavit denying the allegations made by the petitioners. It is stated that Crime No.226 of 2005 on the file of the P.S.Matwada, was registered against the petitioners on a complaint made by the fifth respondent on 15.07.2004 for the offence punishable under Section 420 IPC. It is further stated that during the

course of investigation, as many as four witnesses were examined and their statements were recorded and that further investigation is still pending. It is also stated that except registering the crime, respondents 1 to 3 never called the petitioners to the Police Station nor coerced or threatened them to settle the disputed money claims between the petitioner and the fifth respondent. The petitioners surrendered before the Court of the I Additional Judicial First Class Magistrate, Warangal and subsequently they were released on bail. The plea of the petitioners that they were taken into custody on 20.07.2005 was also denied and it is stated that the staff of the police station were never sent to the residence of the petitioners and they are not interfering with their life and liberty.

In view of what has been stated in the counter-affidavit, no further enquiry is necessary in this writ petition.

Accordingly, recording the statement of respondents 1 to 3 in their counter-affidavit that they are not interfering with the civil disputes pending between the petitioners and the fifth respondent, the writ petition is disposed of with a direction to respondents 1 to 3 not to interfere with the life and liberty of the petitioners without following due process of law. It is made clear that this shall not preclude the respondents to proceed with the investigation in Crime No.226 of 2005 in accordance with law. There shall be no order as to costs.

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31.01.2006

kdl